

# Exhibit 3

STATE OF NEW YORK : COUNTY OF ROCKLAND  
VILLAGE OF POMONA

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TRANSCRIPTION  
OF  
CONVERSATION  
FEBRUARY 3, 2017

- - - - - x

Village of Pomona Village Hall  
100 Ladentown Road  
Pomona, New York

LOUIS ZUMMO, BUILDING INSPECTOR  
BRETT YAGEL, MAYOR  
NOREEN SHEA, CLERK

ROCKLAND & ORANGE REPORTING  
2 Congers Road  
New City, New York 10956  
(845) 634-4200

1 Proceedings

2 MAYOR YAGEL: Right. I received a  
3 copy of this, as well.

4 MR. ZUMMO: Well, Doris called  
5 wanted to know what was going -- Conway, a  
6 lawyer, called Doris about Banks. He  
7 wants to know what's going on. Tell  
8 him --

9 MAYOR YAGEL: Tell him not to get  
10 involved, that Chris Reilly's gonna be  
11 handling this.

12 MR. ZUMMO: Is he?

13 MAYOR YAGEL: I don't know. Maybe  
14 you should ask him to.

15 MR. ZUMMO: So she said, did he pass  
16 his inspections? I said, he passed all  
17 the inspections but one, which is the --  
18 the hurricane top plates. He says he put  
19 them in. And I never saw them and, you  
20 know, so I -- I on faith -- he put them  
21 in. I'm going to say he has them in  
22 there.

23 MAYOR YAGEL: You can't do that.

24 MR. ZUMMO: He says he has them in  
25 there, but he showed me one of the

1 Proceedings

2 leftovers. I said, with the height, we  
3 can't get around, Doris. Well, you  
4 measured it incorrectly. I said, no, he  
5 didn't. She goes, yes, you did. I was  
6 told that you measured incorrectly. I  
7 said, no, not true. Code. Code. And  
8 then I read it to her. And I can hear her  
9 looking it up at the same time. Oh, yeah,  
10 it says to the highest point.

11 MAYOR YAGEL: So if it goes to the  
12 highest point, maybe you -- maybe you  
13 should have measured the downhill side,  
14 not the uphill side.

15 MR. ZUMMO: Why, it's gonna be  
16 worse?

17 MAYOR YAGEL: Yes.

18 MR. ZUMMO: It is gonna be worse.

19 MAYOR YAGEL: And -- and that will  
20 shut him the hell up.

21 MR. ZUMMO: It's a foot and-a-half  
22 over already. How much worse do you want  
23 it to be?

24 MAYOR YAGEL: He's gotta take 18  
25 inches off.

1 Proceedings

2 MR. ZUMMO: That's not going to work --  
3 (inaudible) -- holy shit, like I told Doris,  
4 if it was 10 or 12 inches, I might have been  
5 prepared to let it go. But it's a foot and a  
6 half. It's just a big stink about his fucking  
7 special permit.

8 MAYOR YAGEL: (Inaudible)

9 MR. ZUMMO: She gets upset.

10 MAYOR YAGEL: I told Doris (inaudible) --  
11 it's not Doris.

12 MR. ZUMMO: He rammed the Special permit  
13 up my ass how many times.

14 The Planning Board meeting. At  
15 my -- my -- I'm using him and I'm picking  
16 on him and he has a special permit,  
17 there's nothing I can do about it.

18 MAYOR YAGEL: Really? Guess what?

19 MR. ZUMMO: So she says, well what  
20 are you gonna do? So I says, I'm gonna  
21 write him a letter. He doesn't get a CO.

22 MAYOR YAGEL: Then he comes back to  
23 the Board of Trustees.

24 MR. ZUMMO: And he's got to come  
25 back to get to reissue the special permit.

1 Proceedings

2 MR. ZUMMO: Planning Board. I mean,  
3 from the Zoning Board. I said, the  
4 original is from the Board of Trustees.  
5 Says, no, I think it's the Zoning Board  
6 now. Zoning Board will give it to him.

7 MAYOR YAGEL: They better not.

8 MR. ZUMMO: They might. Any way you  
9 look at it, he's gonna drag Conway in,  
10 gonna cost him another five, \$6,000 in  
11 legal fees, on top of the \$25,000 he  
12 already spent in the ZBA meetings.

13 MAYOR YAGEL: Is that true? No, he  
14 didn't spend that much.

15 MR. ZUMMO: He had Conway, an  
16 architect and a court stenographer there,  
17 five nights, five different meetings. The  
18 court stenographer alone was 500 bucks.

19 MAYOR YAGEL: I think it's time I  
20 called the Journal News on him.

21 MR. ZUMMO: I was laughing my ass  
22 off. He was throwing money. Then he has  
23 the balls to tell me if, if I were to  
24 build it correctly, it would have cost me  
25 more than \$50,000. I said, Ian, it should

1 Proceedings  
2 cost you more than \$50,000. Oh, I'm not  
3 made of money. You know, I'm retired.  
4 I'm like, you're an asshole, dude. Why  
5 would you build something for yourself and  
6 build it half ass? Would you? I mean,  
7 who in their -- their right mind would do  
8 that. That's like baking cookies and  
9 saying, I'm gonna make chocolate cookies,  
10 but I'm gonna save money by leaving out  
11 the chocolate chips and the sugar. Oh,  
12 yeah, that'd be yummy. You fuck. What  
13 kind of moron are you.

14 MAYOR YAGEL: Unbelievable.

15 MR. ZUMMO: Noreen, do you want  
16 e-mails from that GE -- GE -- GEA guy?

17 MS. SHEA: Just give me it.

18 MR. ZUMMO: I'll forward the e-mail  
19 for you. He's kind of a putt.

20 MS. SHEA: You know with it is, is  
21 the neighbors complain about the turn.

22 MR. ZUMMO: Well, did you ever drive  
23 by there?

24 MS. SHEA: No.

25 MR. ZUMMO: There's always eight or

1 Proceedings

2 nine cars out there, which I don't  
3 understand what they do.

4 Is it a home for retarded people?

5 MS. SHEA: Yes.

6 MR. ZUMMO: Why are there so many  
7 you freakin cars?

8 MS. SHEA: It's workers, they said.

9 MR. ZUMMO: Okay. The drive --  
10 okay. It's not a home for retarded  
11 people.

12 MAYOR YAGEL: It is a home for  
13 people --

14 MS. SHEA: Special needs.

15 MAYOR YAGEL: -- who are mentally  
16 challenged, intellectually challenged.

17 MR. ZUMMO: Doesn't the ARC, A-R-C,  
18 stand for retarded?

19 MAYOR YAGEL: I don't know. No,  
20 it's resource something.

21 MS. SHEA: But we have numerous  
22 complaints about that parking and --

23 MR. ZUMMO: Because they're all  
24 parking park driveway and they put the  
25 rest on the road.



1 Proceedings

2 MS. SHEA: Uh-huh.

3 MR. ZUMMO: Turn.

4 (Whereupon, it sounds like the tape  
5 was stopped and restarted.)

6 MS. SHEA: It's workers, they said.

7 MR. ZUMMO: Okay. The driveway --

8 MAYOR YAGEL: It's not a home for  
9 retarded people. It is a home for  
10 people --

11 MS. SHEA: Special needs.

12 MAYOR YAGEL: -- who are mentally  
13 challenged. Intellectually challenged.

14 MR. ZUMMO: Doesn't the ARC, A-R-C,  
15 stand for retarded?

16 MAYOR YAGEL: I don't know. No,  
17 it's something resource something.

18 MS. SHEA: But we have numerous  
19 complaints with them parking and --

20 MR. ZUMMO: Because they don't  
21 park --

22 MS. SHEA: Yeah.

23 MR. ZUMMO: Driveway and they put  
24 the rest on the road.

25 MS. SHEA: Uh-huh.

1 Proceedings

2 MR. ZUMMO: And it's in the turn.  
3 So when you come -- you don't have the  
4 light, it's a problem, because people  
5 are flying down that way, and it's in the  
6 turn. So all of a sudden you're greeted  
7 with minivans and shit in the middle of  
8 the turn.

9 MS. SHEA: Yeah.

10 MR. ZUMMO: You know what I mean.  
11 The people who are driving BMWs and  
12 Jaguars don't want to be slowed down by  
13 the minivans.

14 MS. SHEA: So how --

15 MAYOR YAGEL: Mr. Banks can't go  
16 back. He had one year to complete this  
17 and he didn't complete it.

18 MR. ZUMMO: What do you mean, can't  
19 go back.

20 MAYOR YAGEL: Can't go back to the  
21 ZBA. He did complete it. He didn't have  
22 to verify the hurricane clips.

23 MR. ZUMMO: Verify -- open the  
24 siding.

25 MAYOR YAGEL: He has to. You must

1 Proceedings

2 force him to open up at least -- how many  
3 clips are there? How many studs are there?

4 MR. ZUMMO: One for every stud.  
5 Every 16 inches is 40 feet.

6 MAYOR YAGEL: Okay. Then he can  
7 open up one side of the building, so you  
8 can see.

9 MR. ZUMMO: No.

10 MAYOR YAGEL: I mean, the siding  
11 goes from one side to the other. So the  
12 one that's going to be least invasive  
13 should be opened up. Don't have him open  
14 up everything.

15 MR. ZUMMO: Least invasive? They  
16 are full sheets T-111.

17 MAYOR YAGEL: Okay.

18 MR. ZUMMO: Gonna have to take the  
19 siding off in the middle of winter.

20 MAYOR YAGEL: Before he closed it  
21 up, he should have had me over there to  
22 inspect it.

23 MR. ZUMMO: He never took the siding  
24 off.

25 MAYOR YAGEL: Then you can't pass

1 Proceedings

2 him. What did Erica say? You're gonna  
3 take him on his word? This is a man who  
4 tells me I'm hacking into his personal  
5 e-mails.

6 MR. ZUMMO: Erica won't say anything  
7 about it. It's up to me.

8 MAYOR YAGEL: When has he taken the  
9 siding off that building?

10 MR. ZUMMO: I've never seen the  
11 siding off that building.

12 MAYOR YAGEL: Then how can you  
13 legally pass it? He is required to do  
14 this according to the plans.

15 MR. ZUMMO: It was. It was on the  
16 drawing and the letter, both him from me  
17 and his architect. His architect also  
18 specified in his letter. So his architect  
19 didn't know they were there.

20 MAYOR YAGEL: I mean, this is a  
21 gentleman who, basically, they were  
22 talking (inaudible)a -- a -- the sequence --  
23 put these in later. He needs a Stop Work Order.  
24 You have to turn him down. Look at the little  
25 lady out there --

1 Proceedings

2 MR. ZUMMO: He used the top floor  
3 anyway.

4 MAYOR YAGEL: Is he?

5 MR. ZUMMO: Fully sheet rocked -- he must have --

6 MAYOR YAGEL: Then he should be made to take it  
7 all out.

8 MR. ZUMMO: He must have 40 or 50 cases of paper up  
9 there, records, there are all Village records. No wonder  
10 you wanted to get a barn.

11 (Phone rings.)

12 MR. ZUMMO: Village meetings.

13 That much?

14 (Phone rings.)

15 MS. SHEA: Village of Pomona. Sure.

16 Who's calling? Oh, yeah, hold on, Mark.

17 Let me -- let me get Mr. (Inaudible.

18 Mark, Caribbean Pools. He called  
19 yesterday too. They're asking about gas  
20 lines and I said drawing. Drawings out?

21 MR. ZUMMO: Yes.

22 A VOICE: E-mail the Mayor.

23 MS. SHEA: And he setup an  
24 inspection for Wednesday leader, next  
25 week.

1 Proceedings

2 (Cross talk.)

3 MS. SHEA: Questions before we move  
4 forward.

5 MAYOR YAGEL: What do we got here?  
6 Phone. I did not get home from the high  
7 school until 10:30 last night.

8 (Pause in conversation.)

9 MAYOR YAGEL: The simple fact is  
10 you, as Building Inspector, --

11 (Inaudible.)

12 MAYOR YAGEL: Because you would be  
13 the one that will be inspecting those.

14 It's a conflict.

15 MR. ZUMMO: Right.

16 MAYOR YAGEL: And there has to be  
17 segregation.

18 MR. ZUMMO: They're looking anything  
19 on the house that they don't know about,  
20 that -- that Obey is not telling them  
21 about.

22 MAYOR YAGEL: They can FOIL all the  
23 records.

24 MR. ZUMMO: Well, and a lot of stuff  
25 isn't in the records, because he -- his

1 Proceedings

2 documentation is shit. Obey -- Obey is  
3 playing mystery games up there.

4 MAYOR YAGEL: That is Obeys  
5 problem.

6 MR. ZUMMO: We let him do it.

7 MAYOR YAGEL: No, we did not know he  
8 was selling it.

9 MR. ZUMMO: As of now inspections.

10 MAYOR YAGEL: Okay. Now that you  
11 found out about it, guess what?

12 MR. ZUMMO: He's gonna get violated.

13 MAYOR YAGEL: He's gotta get a stop  
14 work order.

15 MR. ZUMMO: Please, a stop work  
16 order.

17 MAYOR YAGEL: You know what, I don't  
18 care.

19 MR. ZUMMO: Well.

20 MAYOR YAGEL: This man thinks that  
21 (inaudible) Zoning Board of Appeals. The  
22 fact that Banks' came before him; do you  
23 see a conflict?

24 MR. ZUMMO: Yeah, well, then I'm  
25 not -- it's only gonna make it worse.

1 Proceedings

2 MAYOR YAGEL: Put the thing on the  
3 side of the building, stop work order. If  
4 it's permissible under the law, if it's  
5 applicable, it should be applied.

6 The 13th, you know what's gonna be  
7 going on the agenda?

8 MR. ZUMMO: What?

9 MAYOR YAGEL: Ethics Committee.

10 MR. ZUMMO: Oh, cool.

11 MAYOR YAGEL: Call Ethics Committee,  
12 right, and then we're gonna have a  
13 hearing about Peter Obey and the shit that  
14 he's been doing on the podium. You can't  
15 do it. Bullshit at the local level.  
16 Right. Why do we have that shit in  
17 Washington right now? Because nobody  
18 thinks the small shit at the local level.

19 MR. ZUMMO: 'Cause they allowed it  
20 to exist. It became status quo. Same  
21 reason that Ramapo is tearing itself  
22 apart. It became the standard. You know  
23 how many times a day I hear, they let me  
24 do it in Ramapo.

25 Seriously.



1 Proceedings

2 I must hear that four, five times a  
3 day. That if I was doing this in Ramapo,  
4 I could. Then do it in Ramapo.

5 MAYOR YAGEL: You know what, I think  
6 now when you go on these things, your  
7 recorder should be on, right. And if they  
8 say that, say, really, when did you do it  
9 in Ramapo? And get 'em on tape. That  
10 will end pretty dam quick. Every project  
11 they were ever involved in, they'll lose  
12 their license.

13 MR. ZUMMO: Everybody knows that  
14 Ramapo's a cesspool.

15 MAYOR YAGEL: But right now they're  
16 focusing on the electives and the  
17 appointed officials for allowing this.  
18 You go to people that were paying those  
19 electives off, and then you know what,  
20 then it'd start stopping.

21 Do you have a problem with that?  
22 Noreen?

23 (Inaudible.)

24 MAYOR YAGEL: I'm not yelling at  
25 you. I'm yelling at the situation.

1 Proceedings

2 Let him call me up. Let him come to  
3 a Board meeting. Let him justify  
4 everything he's done. Let him then  
5 justify how he voted to give Mr. Banks  
6 this shit, because now brings into play  
7 everything he voted on Banks, that he  
8 voted in favor. Oh, I'm getting away with  
9 it. I guess Banks should be allowed to  
10 get away with it too.

11 Himself.

12 MR. ZUMMO: Article 78ing us.

13 MAYOR YAGEL: Take an Article 78.

14 Merckly is suing us. Suing us, why?

15 MR. ZUMMO: 'Cause he wasn't allowed  
16 to build.

17 MAYOR YAGEL: And he wasn't allowed  
18 to build.

19

20 (End of tape.)

21

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4  
5 THE FOREGOING is a transcription  
6 produced from an audio tape recording of  
7 the within proceedings to the best of my  
8 ability.

9  
10  
11 Jacqueline Padilla, CSR

12 Jacqueline Padilla, CSR

